

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DISCOVER GROWTH FUND, LLC, :
Plaintiff, : **ORDER SUPPLEMENTING**
-against- : **ORDER AND OPINION**
OWC PHARMACEUTICAL RESEARCH : **GRANTING MOTION FOR**
CORP., : **DEFAULT JUDGMENT**
Defendant. :
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ALVIN K. HELLERSTEIN, U.S.D.J.:

On May 8, 2023, I granted Plaintiff's motion for default judgment, ECF No. 60, and instructed the Clerk to "enter judgment in Plaintiff's favor against Defendant in the amount of \$6,827,989.72, plus interest." ECF No. 63 at 8. I issue this supplemental order to clarify that the aforementioned interest is prejudgment interest calculated at the statutory rate of 9 percent from the date of the breach of contract, March 30, 2023, to the date of entry of final judgment.

See ECF 63 at 2 (describing Defendant's breach of contract); *U.S. Naval Institute v. Charter Communications, Inc.*, 936 F.2d 692, 698 (2d Cir. 1991) ("a plaintiff who prevails on a claim for breach of contract is entitled to prejudgment interest as a matter of right."); *Schipani v. McLeod*, 541 F.3d 158, 164-65 (2d Cir. 2008) ("In a diversity case, state law governs the award of prejudgment interest."); N.Y. C.P.L.R. § 5004 (Interest shall be at the rate of nine per centum per annum...").

SO ORDERED.

Dated: May 10, 2023
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge